

## REMARKS

### I. Introduction

Claims **1-2, 6-9, 17, 30-34, 51-61, 76-82, and 84-91** are currently pending in the present application. Claims **1, 32, 53, and 76** are independent. All claims stand rejected. In particular:

(A) all pending claims (claims **1-2, 6-9, 17, 30-34, 51-61, 76-82, and 84-91**) stand rejected under the allegedly judicially-created doctrine of non-statutory obviousness-type double patenting (hereinafter simply “Double Patenting”) in view of various claims of U.S. Patent No. 6,324,520 (hereinafter “Walker”);

(B) claims **1-2, 6-9, 17, and 30-31** stand rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over WO 97/28510 A1 (hereinafter “Smith”) in view of U.S. Patent No. 5,802,015 (hereinafter “Rothschild”); and

(C) claims **32-34, 51-52, 76-82, and 84-91** stand rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Smith in view of U.S. Patent No. 5,029,098 (hereinafter “Levasseur”).

The Examiner has previously stated that claims **53-61** are *directed to allowable subject matter*, and would presumably be allowed subject to traversal of the Double Patenting rejections thereof. Final Office Action mailed August 11, 2005 as Part of Paper No./Mail Date 31 (hereinafter the “Final Office Action”), pg. 15, bullets 40-41.

Upon entry of this amendment, which is respectfully requested, claims **17, 34, and 80** will be amended and new claims **92-XX** will be added. No new matter is believed to be introduced by this amendment.

Applicants hereby respectfully request reexamination and reconsideration of the pending claims in light of the amendments and remarks provided herein and in accordance with 37 C.F.R. §1.112.

### II. The Examiner’s Rejections

#### A. Double Patenting Rejections

All pending claims (claims **1-2, 6-9, 17, 30-34, 51-61, 76-82, and 84-91**) stand rejected under “the judicially created doctrine of obviousness-type double patenting” in

view of various claims of Walker. While Applicants do not necessarily agree with the basis for this rejection, a terminal disclaimer in compliance with 37 C.F.R. §1.321(c) is filed concurrently herewith solely to expedite prosecution of the present application. Accordingly, the double patenting rejections of the pending claims (claims **1-2, 6-9, 17, 30-34, 51-61, 76-82, and 84-91**) are moot.

***B. Rejections under 35 U.S.C. §103(a) – Smith, Rothschild***

Claims **1-2, 6-9, 17, and 30-31** stand rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Smith in view of Rothschild. Applicants traverse this ground for rejection as follows.

**1. The references fails to teach or suggest: *a substitute product identifier corresponding to the substitute product* (claims **1-2, 6-9, 17, and 30-31**)**

Applicants respectfully assert that both Smith and Rothschild fail to teach or suggest, either alone or in combination, limitations of claims **1-2, 6-9, 17, and 30-31**. For example, Smith and Rothschild fail to teach or suggest *a substitute product identifier corresponding to the substitute product*.

The Examiner states “Smith...does not **explicitly** teach that the machine stores or retrieves a substitute product identifier for a substitute product.” Office Action mailed April 6, 2006 (hereinafter the “Office Action”), pg. 3, bullet 6, lines 7-9; emphasis added. Applicants agree. The Examiner goes on to state, however, “in order for the machine to know which products to offer as alternative products for user selections that are not available, **it would be necessary** to store product identifiers for products that are substitutes or alternatives to other products.” *Id.*, at pg. 3, bullet 6, lines 9-12; emphasis added. In other words, the Examiner appears to make the argument that, while Smith does not teach utilizing substitute product identifiers, such a teaching is **inherent** in Smith.

Applicants respectfully note that while “express, implicit, and inherent disclosures of a prior art reference may be relied upon in the rejection of claims under 35 U.S.C. [sic] 102 or 103” (MPEP §2112), “[t]he fact that a certain result or characteristic may occur or

be present in the prior art is not sufficient to establish the inherency of that result or characteristic.” *Id.* at IV; *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). “In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original); MPEP §2112, at IV.

In the present case, Applicants respectfully assert that substitute product identifiers, while certainly *capable* of being used in Smith to dispense alternative products, **are not required or necessary** to dispense such products. Smith may equally and/or even more likely, for example, utilize a simple random or pre-defined mechanical means for dispensing alternative products. If a selected product is not available, for example, *any product* in the next sequential storage rack may simply be automatically dispensed, without any need to store or utilize product identifiers. Similarly, alternative products may be dispensed based on a variety of other metrics besides product identifiers. Indeed, tying a certain product to another as a pre-defined alternative product offering is a more advanced concept than other alternative product dispensing methods, and is therefore certainly **not inherent**.

Rothschild simply fails to make up for the deficiencies of Smith<sup>1</sup>. Rothschild, for example, does not contemplate utilizing alternate product identifiers. Rothschild is directed to an electronic label associated with determining an expiration of a time period. Nowhere does Rothschild teach or suggest offering alternate products much less utilizing alternate or substitute product identifiers to determine alternate products to offer.

Accordingly, at least because Smith and Rothschild fail to teach or suggest *a substitute product identifier corresponding to the substitute product*, Smith and Rothschild fail to render claims **1-2, 6-9, 17, and 30-31** unpatentable. Applicants

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<sup>1</sup> Should the Examiner decide to rely on Official Notice in an attempt to remedy such deficiencies of Smith and/or Rothschild, Applicants respectfully and proactively note that mere statements of an Examiner are insufficient to support Official Notice, and such notice must instead be supported by actual evidence (*e.g.*, references and/or affidavits).

therefore respectfully request that this §103(a) ground for rejection of claims **1-2, 6-9, 17,** and **30-31** be withdrawn.

**2. The references fails to teach or suggest: *determining a substitute product comprising one of the plurality of products associated with the earliest of the determined expiration dates* (claims **1-2, 6-9, 17,** and **30-31**)**

Applicants respectfully assert that both Smith and Rothschild fail to teach or suggest, either alone or in combination, limitations of claims **1-2, 6-9, 17,** and **30-31**. For example, Smith and Rothschild fail to teach or suggest *determining a substitute product comprising one of the plurality of products associated with the earliest of the determined expiration dates*.

The Examiner states “Smith further does not look at expiration dates.” Office Action, pg. 4, lines 2-3. Applicants agree. The Examiner goes on to state, however, “it would be obvious that expiration date is a factor in availability of a product.” *Id.*, at pg. 4, lines 3-4. Applicants respectfully note that ‘determining product availability based on expiration date’ **is not a claimed limitation** of any of claims **1-2, 6-9, 17,** and **30-31**. Instead, *a substitute product is determined based on expiration dates* (generally stated).

It is not clear, therefore, how the Examiner’s statement that it would be obvious to utilize expiration date to determine product availability (even if taken as true, which Applicants do not concede is the case) is related to, much less reads on, *determining a substitute product based on an expiration date*. It is even less clear how the Examiner’s statement relates to determining a substitute product based on the *earliest* expiration date among a plurality of products.

Rothschild simply fails to make up for the deficiencies of Smith. Rothschild, for example, does not contemplate the determination of demand for products. At best, Rothschild determines that products exist and when their taste appreciation periods will expire. Rothschild does not, however, determine demand.

Accordingly, at least because Smith and Rothschild fail to teach or suggest *determining a substitute product comprising one of the plurality of products associated with the earliest of the determined expiration dates*, Smith and Rothschild fail to render

claims **1-2, 6-9, 17, and 30-31** unpatentable. Applicants therefore respectfully request that this §103(a) ground for rejection of claims **1-2, 6-9, 17, and 30-31** be withdrawn.

**3. The references fails to teach or suggest: *recording a value corresponding to the selection of the first product* (claims **7-8**)**

Applicants respectfully assert that both Smith and Rothschild fail to teach or suggest, either alone or in combination, limitations of claims **7-8**. For example, Smith and Rothschild fail to teach or suggest *recording a value corresponding to the selection of the first product*.

The Examiner appears to confuse this limitation with the general and common practice of recording transaction information. The limitation of claims **7-8** does not, however, recite ‘recording a value corresponding to products purchased by a consumer.’ Instead, the claimed limitation *records a value for a mere selection of the first product*. In other words, it is the selection that is recorded, not the purchase.

Smith simply does not describe recording a value for a product selection. Instead, if Smith records anything associated with a product, it is in relation to the purchase of the product. In other words, Smith may record **which product a consumer buys**, while the limitation of claims **7-8** is directed to recording **which product the consumer selects**. Such “selection” information may be highly useful in determining product demand, such as in the case that the “first product” is not available. In such a case, Smith would only record which product the consumer actually ended up purchasing, while claims **7-8** would also record which product the consumer tried to purchase (but was unable to due to unavailability).

Rothschild simply fails to make up for the deficiencies of Smith. Rothschild, for example, does not contemplate selling products via a vending machine much less recording product selections made by consumers at the vending machines.

Accordingly, at least because Smith and Rothschild fail to teach or suggest *recording a value corresponding to the selection of the first product*, Smith and Rothschild fail to render claims **7-8** unpatentable. Applicants therefore respectfully request that this §103(a) ground for rejection of claims **7-8** be withdrawn.

**4. The references fails to teach or suggest: *offering, in consideration of the consumer's acceptance of the substitute product, the substitute product to the consumer at a discounted price* (claim 17)**

Applicants respectfully assert that both Smith and Rothschild fail to teach or suggest, either alone or in combination, limitations of claim 17. For example, Smith and Rothschild fail to teach or suggest *offering, in consideration of the consumer's acceptance of the substitute product, the substitute product to the consumer at a discounted price*.

Smith describes providing a discount to a consumer based on the consumer's purchase history. Nowhere, however, does Smith contemplate providing a discount based on the consumer's acceptance of the substitute product.

Rothschild simply fails to make up for the deficiencies of Smith. Rothschild, for example, does not contemplate providing any discounts, much less discounts provided in consideration of a consumer's acceptance of a substitute product.

Accordingly, at least because Smith and Rothschild fail to teach or suggest *offering, in consideration of the consumer's acceptance of the substitute product, the substitute product to the consumer at a discounted price*, Smith and Rothschild fail to render claim 17 unpatentable. Applicants therefore respectfully request that this §103(a) rejection of claim 17 be withdrawn.

**5. No *Prima Facie* Case of Obviousness**

It is well settled that the Examiner bears the burden of establishing a *prima facie* case of obviousness based upon the prior art. *In re Fritch*, 23 U.S.P.Q.2D 1780, 972 F.2d 1260, 1265 (Fed. Cir. 1992). To reject claims in an application under Section 103, an examiner must show an un-rebutted *prima facie* case of obviousness. *In re Rouffet*, 47 U.S.P.Q.2D 1453, 149 F.3d 1350, 1355 (Fed. Cir. 1998). If examination at the initial stage does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of the patent. *In re Oetiker*, 24 U.S.P.Q.2D 1443, 977 F.2d 1443, 1445 (Fed. Cir. 1992).

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion,

or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 5 U.S.P.Q.2d 1596, 837 F.2d 1071 (Fed. Cir. 1988); *In re Jones*, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992). Prior knowledge in the field of the invention must be supported by tangible teachings of reference materials, and the suggestion to combine references must not be derived by hindsight from knowledge of the invention itself. *Cardiac Pacemakers v. St. Jude Medical* 381 F.3d 1371, 1376 (Fed. Cir. 2004). Furthermore, particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed. *In re Kotzab*, 55 U.S.P.Q.2D 1313, 217 F.3d 1365, 1371 (Fed. Cir. 2000).

A finding of obviousness requires that the art contain something to suggest the desirability of the proposed combination. *In re Grabiak*, 226 U.S.P.Q. 870, 769 F.2d 729, 732 (Fed. Cir. 1985). In the absence of such a showing, there is inadequate support for the position that the proposed modification would *prima facie* have been obvious. *Id.* The absence of such a suggestion to combine is dispositive in an obviousness determination. *Gambro Lundia AB v. Baxter Healthcare Corp.*, 42 U.S.P.Q.2D 1378, 110 F.3d 1573, 1579 (Fed. Cir. 1997).

The Examiner simply provides *no explanation*, reasoning, or support for the contention that it would have been obvious to combine Smith and Rothschild. In other words, even if Smith and Rothschild taught and suggested, in combination, every limitation of the pending claims (which Applicants maintain they do not), the pending claims would nonetheless be allowable at least because the Examiner has not even attempted to set forth a *prima facie* case of obviousness.

Accordingly, at least because the Examiner has failed to establish a *prima facie* case for obviousness, Applicants respectfully request that this §103(a) ground for rejection be withdrawn.

## 6. Non-Analogous References

Rothschild is generally directed to intelligent electronic labels that may be utilized to indicate the end of time periods (e.g., expiration dates), particularly with respect to pharmaceuticals and associated drug bottles. Smith is generally directed to electronic

ordering devices (e.g., vending machines). Thus, both Smith and Rothschild are in different fields. Further, there is no indication that either of the references is directed to solving a similar problem, much less the same problem. The Examiner provides no argument, reasoning, or support to the contrary.

Accordingly, at least because Smith and Rothschild are directed to different fields of endeavor and are not directed to solving the same problem, Smith and Rothschild are non analogous references and Applicants therefore respectfully request that this §103(a) ground for rejection be withdrawn.

At least for these reasons, Applicants respectfully request that the §103(a) rejections of claims **1-2, 6-9, 17, and 30-31** be withdrawn.

***C. Rejections under 35 U.S.C. §103(a) – Smith in view of Levasseur***

Claims **32-34, 51-52, 76-82, and 84-91** stand rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Smith in view of Levasseur. Applicants traverse this ground for rejection as follows.

**1. The references fails to teach or suggest: *determining from the demand a substitute product for a first product* (claims **32-34, 51-52, 76-82, and 84-91**)**

Applicants respectfully assert that both Smith and Levasseur fail to teach or suggest, either alone or in combination, limitations of claims **32-34, 51-52, 76-82, and 84-91**. For example, Smith and Levasseur fail to teach or suggest *determining from the demand a substitute product for a first product*.

The Examiner states that Smith “fail[s] to specifically disclose that a substitute product is determined based on a measure of demand for a plurality of products.” Office Action, pg. 6, lines 3-4. Applicants agree. The Examiner goes on to state, however, that since Levasseur teaches monitoring historical demand for products (to determine how to stock the vending machine), that it would have been obvious to modify Smith to teach the above-cited limitation of claims **32-34, 51-52, 76-82, and 84-91**. In other words, the Examiner’s position appears to be that, although **neither reference teaches the above-cited limitation**, that it would have been obvious not only to combine both references,



but to further modify the combination to read on the cited limitation of claims **32-34, 51-52, 76-82, and 84-91**.

Applicants respectfully note that this is an improper application of §103(a). Every limitation of the pending claims must be taught or suggested by the cited references and "deficiencies of the cited references cannot be remedied by the Board's general conclusions about what is 'basic knowledge' or 'common sense.'" In re Zurko, 59 U.S.P.Q.2D 1693, 258 F.3d 1379, 1385 (Fed. Cir. 2001); In re Lee, 61 U.S.P.Q.2D 1430, 277 F.3d 1338, 1344 (Fed. Cir. 2002). Here, where even the combination of references fails to teach the cited limitation, some further reference or evidence is required not only to show how the limitation itself is taught, but also to provide support for why this further reference or evidence would have been combined with the cited references as proposed by the Examiner.

Further, as described in detail in Applicants' previous response (pg. 12, second paragraph) with respect to the same ground for rejection:

Applicants respectfully note that combining the **demand-based machine stocking** of Levasseur with the **substitute product offerings** of Smith does not read upon, teach, or suggest the limitation of *determining from the demand a substitute product for a first product*. At best, were such a combination supported by a viable motivation (which Applicants maintain that it is not), the Smith vending machine would be **stocked in accordance with product demand** and offer substitute products as described in Smith. Nowhere is there any support for the Examiner's contention that the combination would teach or suggest the limitation of *determining from the demand a substitute product for a first product*.

Accordingly, at least because Smith and Levasseur fail to teach or suggest *determining from the demand a substitute product for a first product*, Smith and Levasseur fail to render claims **32-34, 51-52, 76-82, and 84-91** unpatentable. Applicants therefore respectfully request that this §103(a) ground for rejection of claims **32-34, 51-52, 76-82, and 84-91** be withdrawn.

**2. The references fails to teach or suggest: *a substitute product identifier corresponding to the substitute product* (claims **32-34**, **51-52**, **76-82**, and **84-91**)**

Applicants respectfully assert that both Smith and Levasseur fail to teach or suggest, either alone or in combination, limitations of claims **32-34**, **51-52**, **76-82**, and **84-91**. For example, Smith and Levasseur fail to teach or suggest *a substitute product identifier corresponding to the substitute product*.

At least for the reasons described in Section B.1. herein, Smith fails to teach or suggest such a limitation. Levasseur simply fails to make up for the deficiencies of Smith. Levasseur, for example, simply does not contemplate the usage of substitute products, much less the usage of substitute product identifiers.

Accordingly, at least because Smith and Levasseur fail to teach or suggest *a substitute product identifier corresponding to the substitute product*, Smith and Levasseur fail to render claims **32-34**, **51-52**, **76-82**, and **84-91** unpatentable. Applicants therefore respectfully request that this §103(a) ground for rejection of claims **32-34**, **51-52**, **76-82**, and **84-91** be withdrawn.

**3. The references fails to teach or suggest: *determining a substitute product comprising one of the plurality of products associated with the earliest of the determined expiration dates* (claims **76-82**)**

Applicants respectfully assert that both Smith and Levasseur fail to teach or suggest, either alone or in combination, limitations of claims **76-82**. For example, Smith and Levasseur fail to teach or suggest *determining a substitute product comprising one of the plurality of products associated with the earliest of the determined expiration dates*.

At least for the reasons described in Section B.2. herein, Smith fails to teach or suggest such a limitation. Levasseur simply fails to make up for the deficiencies of Smith. Levasseur, for example, simply does not contemplate the usage of substitute products, much less determining a substitute product based on expiration dates, much less determining a substitute product based on an earliest expiration date.

Accordingly, at least because Smith and Levasseur fail to teach or suggest *determining a substitute product comprising one of the plurality of products associated*

with the earliest of the determined expiration dates, Smith and Levasseur fail to render claims **76-82** unpatentable. Applicants therefore respectfully request that this §103(a) ground for rejection of claims **76-82** be withdrawn.

**4. The references fails to teach or suggest: *recording a value corresponding to the selection of the first product* (claim **91**)**

Applicants respectfully assert that both Smith and Levasseur fail to teach or suggest, either alone or in combination, limitations of claim **91**. For example, Smith and Levasseur fail to teach or suggest *recording a value corresponding to the selection of the first product*.

At least for the reasons described in Section B.3. herein, Smith fails to teach or suggest such a limitation. Levasseur simply fails to make up for the deficiencies of Smith. Levasseur, for example, simply does not contemplate tracking mere product selections (*e.g.*, as opposed to product purchases).

Accordingly, at least because Smith and Levasseur fail to teach or suggest *recording a value corresponding to the selection of the first product*, Smith and Levasseur fail to render claim **91** unpatentable. Applicants therefore respectfully request that this §103(a) rejection of claim **91** be withdrawn.

**5. The references fails to teach or suggest: *offering, in consideration of the consumer's acceptance of the substitute product, the substitute product to the consumer at a discounted price* (claim **34**)**

Applicants respectfully assert that both Smith and Levasseur fail to teach or suggest, either alone or in combination, limitations of claim **34**. For example, Smith and Levasseur fail to teach or suggest *offering, in consideration of the consumer's acceptance of the substitute product, the substitute product to the consumer at a discounted price*.

At least for the reasons described in Section B.4. herein, Smith fails to teach or suggest such a limitation. Levasseur simply fails to make up for the deficiencies of Smith. Levasseur, for example, simply does not contemplate providing discounts, much less providing substitute products, much less providing discounts based on a consumer's acceptance of a substitute product.

Accordingly, at least because Smith and Levasseur fail to teach or suggest offering, in consideration of the consumer's acceptance of the substitute product, the substitute product to the consumer at a discounted price, Smith and Levasseur fail to render claim 34 unpatentable. Applicants therefore respectfully request that this §103(a) rejection of claim 34 be withdrawn.

#### **6. No *Prima Facie* Case of Obviousness**

In the present case, the Examiner makes only the conclusory statement that combining the references would be obvious because customers would be more likely to accept substitute products of higher demand. This unsupported statement, however, falls far short of meeting the Examiner's burden of establishing a *prima facie* case of obviousness. The statement is not backed by any evidence or reference, for example, nor does the statement address the pertinent questions associated with setting forth a case for obviousness.

The Examiner's statement fails to address, for example, the requisite questions of (i) why, of all available references, would one of ordinary skill in the art have been motivated to combine Smith and Levasseur? (*i.e.*, why would Levasseur have been chosen?); and (ii) even if one of ordinary skill would have been motivated to combine Smith and Levasseur, why would the specific teachings alleged by the Examiner have been chosen for combination (*i.e.*, why would certain alleged features of Levasseur have been chosen to use to modify Smith)?

Accordingly, at least because the Examiner has failed to establish a *prima facie* case for obviousness, Applicants respectfully request that this §103(a) ground for rejection be withdrawn.

### **III. No Response to Arguments**

Applicants respectfully note that the Examiner has failed to respond to many of Applicants arguments made in the Response mailed on January 10, 2006, such arguments being incorporated by reference herein in as much as they are applicable to the current rejections. Instead of responding to Applicants arguments, the Examiner states that

Applicants arguments are “moot in view of the new ground(s) of rejection.” Office Action, pg. 2, bullet three, line 7. Applicants respectfully point out, however, that all rejections based on Smith and/or Levasseur are either not new at all, or are at least based on substantially identical reasoning that was argued against in the previous response.

Accordingly, Applicants respectfully request that both the arguments presented herein and the arguments from the previous response that are incorporated by reference herein be properly addressed.

#### IV. Unaddressed Limitations

Applicants respectfully note that the Examiner has failed to address several limitations of the pending claims, and Applicants are therefore unable to ascertain the Examiner’s reasons for rejection claims containing such limitations. Applicants have reviewed the cited references and have generally been unable to locate any teachings or suggestions related to the following unaddressed limitations:

- (i) *wherein the pre-defined demand criteria comprises a rule that the substitute product be associated with a lower one of the first and second demands* (claim 87);
- (ii) *determining, based on the first demand of the second product, a discounted price at which the second product should be offered as the substitute product* (claim 90); and/or
- (iii) *wherein the demand is measured based at least in part on the number of times each of the plurality of products has been selected by a consumer* (claim 91).

#### V. New Claims

New claims **92-95** are believed to be patentable over the cited reference at least for the reasons otherwise presented herein. Further, after reviewing the cited reference, Applicants believe that the cited reference fails to teach, suggest, or render obvious at least:

- (i) *determining a round-up amount representing a difference between the credit amount and the product price* (claim **92**);
- (ii) *determining a time between the determining of the presence of the purchaser and the determining of the amount of money provided by the purchaser* (claim **93**);

(iii) *receiving, after the validating and from the operator, inventory data and suggestive sell data (claim 94); or*

(iv) *tracking, by a vending machine, which product of a plurality of products offered for sale by the vending machine is most often selected as an alternate product when a customer makes an initial selection for an unavailable product and then selects and purchases a substitute product (claim 95).*

## **VI. Conclusion**

At least for the foregoing reasons, it is submitted that all pending claims are now in condition for allowance, *or in better form for appeal*, and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remain any questions regarding the present application or the cited reference, the Examiner is cordially requested to contact Carson C.K. Fincham at telephone number 203-461-7017 or via electronic mail at [cfincham@walkerdigital.com](mailto:cfincham@walkerdigital.com), at the Examiner's convenience.

## **VII. Petition for Extension of Time to Respond**

While no fees are believed to be due at this time, please charge any fees that may be required for this Amendment to Deposit Account No. 50-0271. Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this Amendment timely, and please charge any fee for such an extension to Deposit Account No. 50-0271.

Respectfully submitted,

July 6, 2006  
Date

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